

error, it would have been taken up and been reversed. I think this court is a great circuit.

Several years ago, we had hearings to address the caseloads of the federal courts. Senator GRASSLEY as chairman of the Courts Subcommittee of the Senate Judiciary Committee, of which I am a member, called the hearings. He had the chief judge of the fourth circuit appear and talk about his caseload. They have one of the highest caseloads in America. Actually, not one of the highest, I think their caseload, per circuit, based on the cases per circuit for judges, was the highest in America. They had worked extremely hard, and they had a good procedure for managing their cases. It was really a good example for the rest of the courts around the country.

So I think this allegation—that this circuit is out of line—is something not healthy about the fourth circuit. It is just wrong. It is a great circuit, doing superb work, and the taxpayers are benefitting from it greatly.

There have been suggestions, although not anything of substance really, but allegations that somehow Judge Shedd is a white Southern male, and he is insensitive on the matters of race. Those are serious matters. I think if somebody had something to say about that, they would come forward, and we would see it, and we would know about it. But vague allegations of that kind are not good.

We ought to take very seriously any thought that someone would have acted without a commitment to equal justice. That would be wrong, and they ought not be on the Federal bench if they do not treat people equally.

I would like to say, his record shows just the opposite. One of the things that Judge Shedd did as a district judge—and district judges play a significant role in the hiring of United States magistrates, who make about \$1,000 less than they do per year. They do not have quite the lifetime appointment, but it is a good appointment. And magistrate judge positions are becoming highly sought after. A lot of good applications are made. There are a lot of superb lawyers who are acting as United States magistrate judges in America.

He led the effort in his district to recruit an African American magistrate for that district, Margaret Seymour. She did a fine job as that magistrate. Later on, President Clinton, a Democratic President, appointed her to the Federal bench in that district. Margaret Seymour is now a sitting Federal district judge. One of the main reasons that occurred is because, years before, Judge Shedd had gone out and sought her, and worked to have her selected as that United States Federal magistrate.

He has worked actively to seek out minority and female candidates for other magistrate judge positions, and has directed the selection commission in South Carolina to consider diversity

in selecting candidates for those positions.

In addition, he has recommended an African American female to serve as chief of the Pretrial Services Division in that district. Pretrial Services handles all the arrest matters involving defendants who are arrested: whether or not they should be allowed bail, whether they are on drugs, whether they ought to be locked up, how they ought to be treated, supervising them pretrial if they are released on bail. They do a lot of work. It is a pretty big deal. For the State of South Carolina, with one district, that is a big appointment. I just point those things out. His critics didn't raise those issues.

Judge Shedd has bipartisan support from both his home State Senators. Of course, Senator THURMOND admires Judge Shedd immensely. He has observed his career for many years. He has observed with great pleasure Judge Shedd's success on the bench. And he is extremely proud, as he nears 100 years of age, about to complete the longest term any Senator has ever served in this body, that his former chief counsel, when he was chairman of the Senate Judiciary Committee, is now in a position to be elevated to the Fourth Circuit Court of Appeals. That is not too much to ask, I submit. It is the kind of thing we ought not to deny unless there is a real basis to do so.

He has both the support of Senator THURMOND and Senator FRITZ HOLLINGS from South Carolina. Before coming to this body, Senator HOLLINGS was a real lawyer, a real litigator, a plaintiff's lawyer, a former national president of the American Trial Lawyers Association. He gives no quarter in protecting the rights of plaintiffs on this floor.

When somebody complained one time about the plaintiffs trial lawyers getting so much money in these tobacco cases, he said they did so much good, as far as he was concerned, they could have more. He supports Judge Shedd. He and his friends in the Trial Lawyers Association—and I am sure he shares confidences with them—have agreed that this is a good nomination.

I don't understand where we are with this problem. Judge Shedd has been completely forthcoming with the Senate Judiciary Committee's requests, many of them, for information.

Earlier this year Judge Shedd sent nearly 1,000 unpublished opinions for review immediately after Chairman LEAHY requested them. They wanted to plow through all his cases, the unpublished opinions, thinking they might find a nugget there. Apparently they haven't because they haven't raised any of them. We would be hearing about it. They would be blown up in charts.

He continued to provide additional unpublished opinions as well as other information the committee has requested regarding his rulings, opinions, and judicial record generally. He has been absolutely forthcoming.

Finally, I will just repeat, how do you know about all this? You hear these things and some person says this and some person says that, and what do you believe?

The Democrats have tenaciously adhered to the view that the ABA rating is the gold standard, Democrats on our committee. They really insisted on that and placed the ABA review at the center of our confirmation process. Of course, it is an unofficial thing. It is nothing in the official process, but they have asserted it as the gold standard for determining whether or not a judge should be confirmed. This gold standard review process has been conducted by the American Bar Association. Their team of lawyers and investigators have talked to all the people down there who have practiced before his court. They talked to civil rights groups. They talked to plaintiffs lawyers. They talked to defense lawyers. They talked to the community and fellow judges. They have come back with the highest possible rating they give—well qualified—for Judge Shedd.

He absolutely is well qualified for this office. He ought to be confirmed. It was a real disappointment to me to see a number of Senators in committee suggest that they might not be for him or were not for him, even though we never had an official roll call vote. I don't see where they are coming from.

This is a man we know. This is a man with a record of integrity, judgment, good demeanor, experienced now to a large degree, the kind of capabilities that make for a great judge.

He is going to be a great judge on the Fourth Circuit Court of Appeals. I am proud to support him. I believe the complaints against him are baseless and that he should be confirmed.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m., Tuesday, November 19, 2002.

Thereupon, the Senate, at 9 p.m., adjourned until Tuesday, November 19, 2002, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2002:

APPALACHIAN REGIONAL COMMISSION

Anne B. Pope, of Tennessee, to be Federal Cochairman of the Appalachian Regional Commission.

Richard J. Peltz, of Pennsylvania, to be Alternative Federal Cochairman of the Appalachian Regional Commission.

DEPARTMENT OF TRANSPORTATION

James M. Loy, of Virginia, to be Under Secretary of Transportation for Security for a term of five years.